

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1681 of 1998

WITH

SPECIAL CIVIL APPLICATION NO. 1752 OF 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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MANISHA A PATVARI

Versus

SECRETARY

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Appearance:

MR PARESH UPADHYAY for Petitioner

MR RJ OZA for Respondent No. 1

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 02/04/98

ORAL JUDGEMENT

Rule. Mr. R.J.Oza, learned Advocate waives service of the Rule on behalf of the respondent in both the petitions. At the request of the learned Advocates, these petitions are taken up for final disposal to-day.

Mr. R.J.Oza, learned Advocate appearing for the respondent in these petitions states that the Gujarat Public Service Commission will withdraw the impugned order with liberty to initiate de-novo departmental proceedings at the post inquiry stage and will take final decision afresh without being influenced by the earlier orders. Mr. Oza further states that the inquiry proceedings will be concluded preferably within two months, subject, of course, to the co-operation of the delinquent officers.

Mr. Upadhyaya, learned Advocate for the petitioners states that till the de-novo inquiry is over, the petitioners will not insist for releasing the

increments , provided the inquiry is completed within two months as stated by Mr. Oza for the Commission. He further states that the petitioners will give their fullest co-operation in the early disposal of the de-novo inquiry within the time stipulated .

In view of these statements, the petitions are allowed. The impugned orders passed against the petitioners are set aside and the respondent is directed to hold de-novo inquiry against the petitioners from the stage of post inquiry report and the said inquiry shall be completed preferably within two months from to-day. The petitioners shall give their fullest co-operation in the early disposal of the inquiry. The respondent will hold the inquiry on the basis of the material placed before the authority and without in any manner being influenced by the earlier orders passed against the petitioners. It goes without saying that it will be open to the petitioners to challenge the fresh orders that may be passed, if the same are adverse to them. Rule is made absolute in each of these petitions to the aforesaid extent with no order as to costs.

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